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OFFICE OF PETITIONS

In re Application of
Biswas et al.
Application No. 10/612,848
Filed: July 3, 2003
Attorney Docket No. 3875.023

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: DECISION GRANTING PETITION
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This is a decision on the petition under 37 CFR 1.53(e), filed October 16, 2003, requesting that the above-identified application be accorded a filing date of July 3, 2003, with Figures 1-6 as part of the original disclosure.

On July 3, 2003, applicant deposited the above-identified application. On October 2, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without drawings and that the filing date would be the date of receipt of the items.

In response, on October 16, 2003, applicant filed the present petition and a copy of applicant's postcard receipt acknowledging receipt of 6 sheets of drawings (Figures 1-6) on July 3, 2003. Additionally, applicant submitted a copy of the 6 sheets of drawings.

Upon review of the record, the 6 sheets of drawings deposited on July 3, 2003, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 3, 2003, included 6 drawing sheets, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including 6 drawing sheets, was complete on filing and will be granted a filing date of July 3, 2003.

Accordingly, the petition is granted.

The "Notice of Incomplete Nonprovisional Application," mailed October 2, 2003, was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee will be credit to Deposit Account No. 16-0877.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date to July 3, 2003, using Figures 1-6 submitted with the present petition. The Office records should indicate that 6 sheets of drawings were submitted on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
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